IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WA.No. 1586 of 2007

AGAINST THE JUDGEMENT IN WPC.29277/2006 Dated 26/02/2007

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APPELLANT/ PETITIONER

ALIYKUTTY JOSEPH, W/O. JOSEPH,
AGED 55 YEARS, ANAKKULAM KARA, MAMKULAM VILLAGE,
DEVIKULAM TALUK.

BY ADV. SRI.K.JAJU BABU
ADV. SMT.M.U.VIJAYALAKSHMI

RESPONDENTS/ RESPONDENTS

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1. THE FOREST RANGE OFFICER,
KUTTAMPUZHA.

2. THE VILLAGE OFFICER,
MAMKULAM VILLAGE, MAMKULAM P.O.,
DEVIKULAM TALUK.

BY SPL. GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1586 OF 2007

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Dated this the 9th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the orders passed by the learned single Judge in W.P.(C) 29277 of 2006 dated 26th February 2007.

2. By the impugned order, the learned single Judge had only directed the respondents to complete the proceedings initiated by them under the provisions of the Forest Act, within a particular time frame. In the Writ Petition filed, there were two prayers. Firstly to quash Ext. P5 proceedings issued by the first respondent in exercise of the powers under the provisions of the Forest Act. Secondly, for a direction to the first respondent to release/permit the petitioner to transport the timber that has been cut by the petitioner.

3. Proceedings have been initiated by the respondents under the provisions of the Kerala Forest Act and other allied acts.

4. The learned single Judge had refused to grant the prayers sought for by the petitioner/appellant only on the ground that the proceedings are pending before the authorities and that unless those proceedings are completed, the reliefs sought for by the petitioner/appellant cannot be granted.

5. We have carefully perused Ext.P5 proceedings and also the orders passed by the learned single Judge . The only direction that could have been issued by the learned single Judge in a case of this nature is only to direct the

forest authorities to dispose of Ext.P5 proceedings pending before them under the provisions of the Kerala Forest Act and other allied acts. Therefore, we do not see any error in the orders passed by the learned single Judge. Accordingly, the Writ Appeal requires to the rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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